<u>REMARKS</u>

This application has been reviewed in light of the Office Action dated August 28, 2006. Claims 1, 2, 4, 6, 8-10, 12, 13, 15, 17, 19, 20, 21, 34 and 47-49 are presented for examination. Claims 1, 2, 8, 9, 10, 12, 13, 19, 20, 21, 34, 47 and 49 have been amended to define still more clearly what Applicant regards as his invention. Claims 1, 8, 9, 12, 19, 20, 34, 47 and 49 are in independent form. Favorable reconsideration is requested.

Claim 34 was rejected under 35 U.S.C. § 101 on the ground that it is directed to non-statutory subject matter. Applicant has amended Claim 34 to embody the claim on a computer-readable medium, as suggested in the Office Action. Accordingly, Applicant respectfully requests withdrawal of this rejection.

Claims 1, 2, 4, 12, 13, 15, 34 and 47-49 were rejected under 35 U.S.C. § 103(a) as being unpatentable over RFC 2390, in view of allegedly well known art.

Claims 6, 9, 10, 17, 20 and 21 were rejected under 35 U.S.C. § 103(a) as being unpatentable over RFC 2390, in view of United States Patent No. 5,850,388 (Anderson).

Claims 8 and 19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over RFC 2390, in view of United States Patent No. 6,310,858 (Kano).

As shown above, Applicant has amended independent Claims 1, 8, 9, 12, 19, 20, 34, 47 and 49 in terms that more clearly define what he regards as his invention. Applicant submits that these amended independent claims, together with the remaining claims dependent thereon, are patentably distinct from the cited prior art for at least the following reasons.

Claim 1 is directed to a network apparatus including: (1) a receiving unit adapted to receive data from a network; (2) a detecting unit adapted to detect a value indicative of a data

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length in a packet header of the data received by the receiving unit, the packet header being provided for a predetermined protocol; and (3) a setting unit adapted to set a destination logic address of the received data as a logic address of the network apparatus in a case where the detected value indicative of the data length is a specific value indicative of a data length different from actual data length of the received data, and a destination physical address of the received data and a physical address of said network apparatus are the same.

By virtue of the structure recited in Claim 1, it is possible to set the logic address of the network apparatus by using the predetermined protocol to be essentially used for the purpose other than for setting the logic address of the network apparatus. Thus, the destination logic address of the received data is set as the logic address of the network apparatus if the value indicative of the data length in the packet header is the specific value. If the value indicative of the data length in the packet header is not the specific value (for example, it is the value indicating the actual data length), the relevant data is processed according to a predetermined protocol.

RFC 2390 relates to Address Resolution Protocol for allowing a station to request a protocol address corresponding to a given hardware address. The aspect of 2390 discussed in the Office Action includes checking for an error in a packet based on the value indicative of the packet length in the packet header. Accordingly, in RFC 2390, if the relevant value conforms to the actual data length of the received data, it is judged that the packet is valid, and thus the process according to this packet is executed. Applicants have found nothing in RFC 2390 that would teach or suggest "a detecting unit adapted to detect a value indicative of a data length in a packet header of the data received by said receiving unit, the packet header being provided for a predetermined protocol" or "a setting unit adapted to set a destination logic address of the

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received data as a logic address of said network apparatus in a case where the detected value indicative of the data length is a specific value indicative of a data length different from actual data length of the received data, and a destination physical address of the received data and a physical address of said network apparatus are the same," as recited in Claim 1.

Accordingly, Applicant submits that Claim 1 is patentable over RFC 2390.

A review of the other art of record, including Anderson and Kano, has failed to reveal anything which, in Applicant's opinion, would remedy the deficiencies of the art discussed above, as a reference against Claim 1.

Independent Claims 12 and 34 are method and network device control program claims, respectively, corresponding to apparatus Claim 1, and are believed to be patentable for at least the same reasons as discussed above in connection with Claim 1. Additionally, independent Claims 9, 20, 47 and 49 include a feature substantially similar as that discussed above above in connection with Claim 1. Accordingly, Claims 9, 20, 47 and 49 are believed to be patentable for reasons substantially similar as those discussed above in connection with Claim 1.

Claim 8 is directed to a network apparatus including: (1) a receiving unit adapted to receive data from a network; (2) a detecting unit adapted to detect a TTL value in a packet header of the data received by the receiving unit, the packet header being provided for a predetermined protocol; and (3) a setting unit adapted to set a destination logic address of the received data as a logic address of the network apparatus in a case where the detected TTL value is a specific value different from a value which is generally set under the predetermined protocol, and a destination physical address of the received data and a physical address of the network apparatus are the same.

For substantially the same reasons as discussed above with respect to Claim 1, RFC 2390 fails to teach or suggest "a detecting unit adapted to detect a TTL value in a packet header of the data received by said receiving unit, the packet header being provided for a predetermined protocol" or "a setting unit adapted to set a destination logic address of the received data as a logic address of said network apparatus in a case where the detected TTL value is a specific value different from a value which is generally set under the predetermined protocol, and a destination physical address of the received data and a physical address of said network apparatus are the same," as recited in Claim 8.

Accordingly, Applicant submits that Claim 8 is patentable over RFC 2390.

A review of the other art of record, including Anderson and Kano, has failed to reveal anything which, in Applicant's opinion, would remedy the deficiencies of the art discussed above, as a reference against Claim 8.

Independent Claim 19 is a method claim corresponding to apparatus Claim 8, and is believed to be patentable for at least the same reasons as discussed above in connection with Claim 8.

The other claims in this application are each dependent from one or another of the independent claims discussed above and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicant respectfully requests favorable reconsideration and early passage to issue of the present application.

Applicant's undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

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